


REMARKS

The foregoing amendments to the specification and to previously submitted claim 140 insert deposit information relating to a DNA sequence described in the specification as originally filed. Also submitted herewith is a Third Declaration of Dr. Werner Lesslauer Under 37 C.F.R. § 1.132 confirming that the deposited DNA construct is the DNA sequence identified in the specification at page 10, line 11, that it was created before the effective U.S. filing date of the present application, and that the deposited DNA construct includes DNA encoding soluble portions of human p75 tumor necrosis factor receptor (TNFR). Insertion of the deposited information (accession number and deposit date) is not new matter because the deposited DNA was described in the specification as filed. See *In re Lundak* 773 F.2d 1216 (Fed. Circ. 1985).

Applicants believe all pending claims are in condition for allowance. If further discussion or amendments would expedite allowance of the claims, the Examiner is asked to contact the undersigned at the number below.

Dated: November 10, 2006

Respectfully submitted,

By 
Sharon M. Sintich

Registration No.: 48,484

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant